

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER**

Application 4959 Permit 2735 License 1032

**ORDER DELETING AND ADDING POINTS OF DIVERSION  
CORRECTION OF THE PURPOSE OF USE, ADDING ENDANGERED OR THREATENED  
SPECIES TERM AND AMENDING THE LICENSE**

**WHEREAS:**

1. License 4959 was issued to the Gray Lodge Gun Club of San Francisco, California and was recorded with the County Recorder of Butte County on April 9, 1931.
2. License 4959 was subsequently assigned to the California Department of Fish and Game on November 11, 1951.
3. A petition for change was received on September 14, 1992 to delete the existing points of diversion (POD) No. 2 & 3 on Lateral C; add a new POD "C" located on Hamilton Slough within the NE $\frac{1}{4}$  and NW $\frac{1}{4}$  of Section 16; and add POD "A" & POD "B" located on Lateral C within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  and the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 11 all within T17N, R1E, MDB&M, respectively. Also, State Water Resources Control Board (SWRCB) staff determined the purpose of use should be corrected to include recreation, wildlife preservation and enhancement as part of wetlands management within the place of use.
4. The (SWRCB) has determined the petitioned changes and corrections does not determine the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The license condition pertaining to the SWRCB's continuing authority should be replaced with the current version to conform with the Section 780(a), Title 23, of the California Code of Regulations.
6. Fish and Wildlife Species have been or may be listed under the Federal Endangered Species Act and/or the California Endangered Species Act.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The descriptions for point of diversion (POD) No. 2 & No. 3 be deleted on Reclamation Lateral C as follows:

POD No. 2 within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$   
of Section 12, T17N, R1E, MDB&M, and

POD No. 3 within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$   
of Section 12, T17N, R1E, MDB&M.

The description for the POD "C" located on Hamilton Slough be added as follows:

POD "C" - California Coordinate System, Zone 2,  
North 606,800 and East 2,038,700 being within the NE $\frac{1}{4}$   
of NW $\frac{1}{4}$  of Section 16, T17N, R1E, MDB&M.

The descriptions for POD "A" & POD "B" be added on Reclamation Lateral C as follows:

POD "A" - California Coordinate System, Zone 2,  
North 609,600 and East 2,049,300 within the NE¼ of  
SW¼ of Section 11, T17N, R1E, MDB&M.  
POD "B" - California Coordinate System, Zone 2  
North 609,500 and East 2,047,000 within the NW¼ of  
SW¼ of Section 11, T17N, R1E, MDB&M.

2. The description for the purpose of use be corrected as follows:

Irrigation, Recreation, and wildlife  
Preservation and enhancement.

3. The continuing authority provisions of this license be amended to read as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

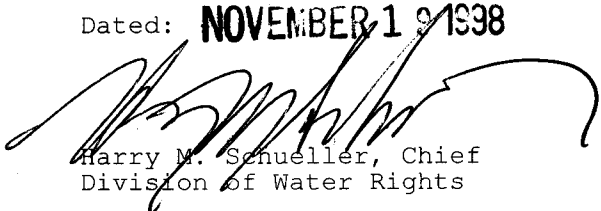
(0000012)

Application 4959 Permit 2735 License 1032  
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4. The Endangered Species term be added to read as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "taking" will result from any act authorized under this water right, the Licensee shall obtain an incidental take permit prior to construction or operation. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit. (0000014)

Dated: **NOVEMBER 19 1938**



Harry M. Schueller, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 4959

PERMIT 2735

LICENSE 1032

ORDER ALLOWING CORRECTION OF DESCRIPTION OF  
POINTS OF DIVERSION AND CHANGE IN PLACE OF USE

WHEREAS License 1032 was issued to the Gray Lodge Gun Club of San Francisco and was filed with the County Recorder of Butte County on April 9, 1932, and

WHEREAS said license was subsequently assigned to State of California, Department of Fish and Game, and

WHEREAS the State Water Resources Control Board has found that the correction of description of points of diversion and change in place of use under said license for which petitions were submitted on April 28, 1971, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said change and correction and has directed that an order be issued to describe said points of diversion and place of use in accordance with said petitions;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to correct the description of the points of diversion under said License 1032 to read as follows, to wit:

- (1) NORTH 500 FEET AND WEST 900 FEET FROM NW CORNER OF SECTION 11, T17N, R1E, MDB&M, BEING WITHIN THE SE $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF SECTION 3, T17N, R1E, MDB&M.

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(2) NORTH 45° EAST 30 FEET FROM  $W\frac{1}{4}$  CORNER OF SECTION 12, T17N, R1E, MDB&M, BEING WITHIN  $SW\frac{1}{4}$  OF  $NW\frac{1}{4}$  OF SAID SECTION 12.

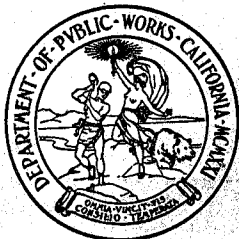
(3) EAST 1,500 FEET FROM  $W\frac{1}{4}$  CORNER OF SECTION 10, T17N, R1E, MDB&M, BEING WITHIN  $NE\frac{1}{4}$  OF  $SW\frac{1}{4}$  OF SAID SECTION 10.

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said License 1032 to a place of use described as follows, to wit:

1,120 ACRES NET WITHIN A GROSS AREA OF 7,520 ACRES WITHIN THE BOUNDARIES OF GRAY LODGE STATE WILDLIFE AREA AND BEING WITHIN T17N, R1E, AND T17N, R2E, MDB&M, AS SHOWN ON MAP FILED WITH STATE WATER RESOURCES CONTROL BOARD.

Dated: JUN 10 1971

*K. L. Woodward*  
K. L. Woodward, Chief  
Division of Water Rights



STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

## License for Diversion and Use of Water

LICENSE 1052

PERMIT 2735

APPLICATION 4959

DATE REC'D

ASSIGNMENT TO

THIS IS TO CERTIFY, That The Gray Lodge Gun Club of San Francisco, California.

*Notice of Assignment (Over)*

*has made proof to the satisfaction of the Division*

of Water Resources of California of a right to the use of the waters of (1) Hamilton Slough and (2), (3) and (4) Lateral "C" of Reclamation District No. 833 in Butte County

tributary of Sacramento River via Butte Creek

for the purpose of agricultural use

under Permit 2735

of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from March 15, 1926;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed fifteen (15) cubic feet per second from any or all sources from about April 1st to about December 15th of each season. In case of rotation the equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

are

The point of diversion of such water is located (1) North five hundred twelve (512) feet and East twenty-five (25) feet from the southwest corner of Section 2, T 17 N, R 1 E, M.D.B. & M. and being within the SW<sup>1</sup> of SW<sup>1</sup> of said Section 2.

(2) South seventeen (17) feet and East seventy-six (76) feet from the West quarter corner of Section 11, T 17 N, R 1 E, M.D.B. & M. and being within the NW<sup>1</sup> of SW<sup>1</sup> of said Section 11.

(3) South five hundred twenty (520) feet and East one thousand seventeen (1017) feet from the West quarter corner of Section 10, T 17 N, R 1 E, M.D.B. & M. and being within the NW<sup>1</sup> of SW<sup>1</sup> of said Section 10.

(4) North one thousand two hundred ninety-six (1296) feet and East three hundred ten (310) feet from the South quarter corner of Section 10, T 17 N, R 1 E, M.D.B. & M. and being within the SW<sup>1</sup> of SE<sup>1</sup> of said Section 10.

A description of the lands or the place where such water is put to beneficial use is as follows:

A total of 1120 acres anywhere within an area consisting of 2504.1 acres within Sections 10, 11, 13, 14, 15, 16, 21, 22 and 23, T 17 N, R 1 E, M.D.B. & M. as shown on the map on file with the Division of Water Resources, received October 26, 1926.

As there is a possibility that there will not be sufficient water in Sacramento River during the latter part of the irrigation season to satisfy all requirements, this license is issued subject to the express condition that the use hereunder may be regulated by the Division of Water Resources during such periods of water scarcity to the end that such use will not interfere with rights under prior applications.

In accordance with the provisions of Section 42 of the Water Commission Act, nothing herein shall be construed as confirming the right to use more than two and one-half (2½) acre feet of water per acre in any one year in the irrigation of uncultivated areas of land not devoted to cultivated crops.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and *providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and *providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and *providing, further*, that when such municipality shall desire to use the additional waters granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public  
Works of the State of California, this 2  
day of April, 1931

EDWARD HYATT  
State Engineer

By Harold Conkling  
Deputy



10/25/32 RECEIVED NOTICE OF ASSIGNMENT TO Division of Fish & Game  
11/17/51 Name changed to State of California, Dept of  
Fish & Game.

LICENSE 1032

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER

ISSUED TO, The Grey Lodge Gun Club

DATED April 2, 1931

70215-5 5-29 1600 CALIFORNIA STATE PRINTING OFFICE

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